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TO:	FROM:
Examiner Thomas Beach	Henry C. Query, Jr.
COMPANY:	DATE:
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SUBJECT:	
U.S. Patent Application No. 10/698,771	
Inventor(s): Bartlett	
Filed: 10/31/2003	
For: Vacuum Assisted Seal Engagement for ROV Deployed Equipment	
Attorney Docket No.: FMCE-P103	

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Dear Examiner Beach:

Enclosed in connection with the above-referenced application is a Response to Restriction Requirement, which is responsive to the Office Action dated August 31, 2006.

Sincerely,

Henry C. Query, Jr.

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I hereby certify that this correspondence, consisting of 3 total pages, is being facsimile transmitted to the U.S. Patent and Trademark Office on September 29, 2006.

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Attorney Docket No.: FMCE-P103

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Bartlett

SEP 29 2006

Serial No.: 10/698,771

Group Art Unit: 3671

Filed: 10/31/2003

Examiner: T. Beach

For: Vacuum Assisted Seal Engagement  
for ROV Deployed Equipment

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Response to Restriction Requirement

This communication is responsive to the Office Action dated August 31, 2006.

In the Office Action, the Examiner asserts that this application contains two patentably distinct species of invention: (I) claims 1-31 for a general method and apparatus for attaching a first component to a second component, which is classified in class 137, subclass 565.13; and (II) claims 32-49 for an apparatus for attaching a tree cap to a subsea tree, which is classified in class 166, subclass 75.13. The Examiner has therefore issued a requirement that the application be restricted to a single invention.

Applicant respectfully traverses this requirement. The Examiner states that the inventions of groups I and II are related as combination and subcombination. In this regard, the Examiner asserts that the combination as

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claimed (i.e., the general method and apparatus of claims 1-32) does not require the particulars of the subcombination as claimed (i.e. the tree cap and christmas tree of claims 32-49), because the subcombination requires a "hot stab, etc." In addition, the Examiner asserts that the subcombination has separate utility, "such as a system pumping water or other liquids."

However, applicant disagrees with these conclusions. With respect to the independent apparatus claims in both groups of claims, i.e., claims 14 and 32, the recitations are very similar. In fact, the only difference between these claims is that claim 32 provides specific labels to the general components recited in claim 14. Moreover, any function that the apparatus of claim 32 can perform can also be performed by the apparatus of claim 14, since this claim is merely a broader recitation of the specific apparatus set forth in claim 32. Therefore, applicant submits that the inventions of groups I and II are sufficiently similar so as to obviate restriction.

However, should the Examiner maintain the restriction requirement, applicant hereby elects the invention of group I, i.e., claims 1-31, on which to continue the prosecution of this application.

Respectfully submitted,



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Date: September 29, 2006